

MICHIGAN
CHAMBER
OF
COMMERCE



March 4, 2003

**Honorable Terri Land
Secretary of State
Executive Office
Treasury Building -1st Floor 430
West Allegan Street Lansing,
Michigan 48918**

Dear Secretary Land:

Re: Declaratory Ruling or Possible Interpretative Statement Request

Pursuant to Section 15(1)(e) and (2) of the Michigan Campaign Finance Act (the "Act") and Rule 169.6 of the Michigan Administrative Code, this is a request for a declaratory ruling as to the applicability of the Act to an actual statement of facts. Public Act 250 of 2001, effective March 22, 2002, amended the Act to indicate that if the Michigan Department of State does not issue a declaratory ruling, the Michigan Department of State must at least issue an interpretative statement providing an informational response to the questions presented Within the same time limitation applicable to a declaratory ruling.

The actual statement of facts relating to this request are as set forth in my October 17, 2000 Complaint against Herb Kehrl and the Michigan Democratic Party. Although the actual statement of facts in this matter speak for themselves, in general, my Complaint questioned whether certain expenditures made by the Michigan Democratic Party on behalf of Herb Kehrl were in fact "independent expenditures" for the purposes of the Act. Specifically, it was argued by the Michigan Democratic Party that Mr. Kehrl placed various testimonials and biographical information on his website. This material was then allegedly procured by the Michigan Democratic Party for use in certain "independent advertisements". Although this "independent advertisement" actually contained what was purported to be Mr. Kehrl's signature, the Michigan Democratic Party claimed that Mr. Kehrl did not direct or control the content of this advertisement. According to the attached letter dated April 20, 2001, the Michigan Department of State dismissed this Complaint. The attached April 20, 2001 dismissal letter sets forth significant guidance on the use of independent expenditures where information is taken from a candidate's web site --guidance which should be publicly disseminated and reviewed in the declaratory ruling process. Therefore, based on the actual statement of facts as set forth in this matter, I respectfully request a declaratory ruling in this matter. To the extent that the Michigan Department of State declines to issue a declaratory ruling as to the above-referenced questions, please issue an interpretative statement as to the non-applicability of the Act, in accordance with Public Act 250 of 2001.

**600 S.Walnut Street. Lansing MI 48933-2200. (517) 371-2100. fax (517) 371-7224
www.michamber.com**

Thank you for your consideration of my request. If you have any questions or require any additional information whatsoever, please contact the undersigned.

Sincerely, _____

Robert S. LaBrant

Enclosure

~

~

~

—

-

.

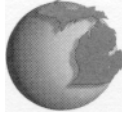
~

-

~

~

~



**MICHIGAN
CHAMBER
OF
COMMERCE**

March 5, 2003

**Honorable Terri Land
Secretary of State
Executive Office
Treasury Building -1st Floor
430 West Allegan Street
Lansing, Michigan 48918**

Dear Secretary Land:

Re: Declaratory Ruling or Possible Interpretative Statement Request

Pursuant to Section 15(1)(e) and (2) of the Michigan Campaign Finance Act (the "Act") and Rule 169.6 of the Michigan Administrative Code, this is a request for a declaratory ruling as to the applicability of the Act to an actual statement of facts. Public Act 250 of 2001, effective March 22, 2002, amended the Act to indicate that if the Michigan Department of State does not issue a declaratory ruling, the Michigan Department of State must at least issue an interpretative statement providing an informational response to the questions presented within the same time limitation applicable to a declaratory ruling.

The actual statement of facts relating to this request are as set forth in my October 25, 2000 Complaint against then Representative Virg Bemero and the Michigan Democratic Party. Although the actual statement of facts in this matter speak for themselves, in general, my Complaint questioned whether certain expenditures made by the Michigan Democratic Party on behalf of the Representative Virg Bemero were in fact "independent expenditures" for the purposes of the Act. According to the attached letter dated March 15, 2002, the Michigan Department of State dismissed this Complaint. The attached March 15, 2002 dismissal letter recites significant guidance on the "direction and control" standard -- guidance which should be publicly disseminated and reviewed in the declaratory ruling process. Therefore, based on the actual statement of facts as set forth in my October 25, 2000 Complaint and the other materials generated in this matter, I respectfully request a declaratory ruling in this matter.

To the extent that the Michigan Department of State declines to issue a declaratory ruling as to the above-referenced request, please issue an interpretative statement in accordance with Public Act 250 of 2001. Thank you for your consideration of my request. If you have any questions or require any additional information whatsoever, please contact me.

Sincerely,



Robert S. LaBrant

Enclosure

**600 S.Walnut Street. Lansing MI 48933-2200. (517) 371-2100. fax (517) 371-7224
www.michamber.com**